

**R E M A R K S**

**I. Introduction**

Applicants note with appreciation, the indication of allowable subject matter recited in claims 2, 3 and 8 of the present invention.

For the reasons set forth below, Applicants respectfully submit that all pending claims are in condition for allowance.

**II. The Rejection Of Claims 1, 4 And 6 Under 35 U.S.C. § 102**

Claims 1, 4 and 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sakai et al. (USP No. 4,721,850). Applicants respectfully submit that Sakai et al. fails to anticipate the pending claims for at least the following reasons.

With regard to the present invention, claim 1 recites an optical pickup comprising a base; a movable part having, an objective lens, a laser diode, and photodetectors; and a heat dissipating medium provided in a gap between the laser diode and the base.

In contrast to the present invention, Sakai discloses an optical pickup device in which the only moving part is the objective lens. Sakai teaches an actuator (objective lens driving device), *where the laser diode 74 is fixed to the pickup body 72*, having the heat dissipating sheet 80 therebetween, with the passing screws 79 (see Fig. 9 and col. 8, line 17). Thus, the laser diode is fixed to the pickup body, and it is not a movable part. This is in contrast to the present invention where the optical pickup has a movable part having an objective lens 102, a laser diode 113a and photodetectors 113b (see, Figs. 1-3 of the present invention). Thus, Sakai fails to teach or

suggest an optical pickup comprising ... a movable part having, an objective lens, a laser diode, and photodetectors.

As anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), and at a minimum, Sakai does not disclose an optical pickup comprising ... a movable part having, an objective lens, a laser diode, and photodetectors, it is clear that Sakai does not anticipate claim 1 or any claim dependent thereon.

**III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable**

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

**IV. Conclusion**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

**Application No.: 10/762,383**

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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**Date: April 12, 2006**